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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,889	05/18/2006	Olivier Bureller	PF030174	5966

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EXAMINER	
BROCKMAN, ANGEL T	
ART UNIT	PAPER NUMBER
2463	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,889	BURELLER, OLIVIER	
	Examiner	Art Unit	
	ANGEL BROCKMAN	2463	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 August 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendments

1. Claims 2-6 were formerly objected to under 37 C.F.R. 1.75. Pursuant to applicant's amendments, these rejections have been withdrawn.

2. Claims 1-5,7-8, and 10-12 were formerly rejected under 35 USC 102 (e). Pursuant to applicant's amendments these rejections have been withdrawn.

3. Claims 6 and 9 were formerly rejected under 35 U.S.C. 103 (a). Pursuant to applicant's amendments these rejections have been withdrawn.

Claim Rejections - 35 USC § 103

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, 7-8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki (US 2002/0047862 A1) in view of Sato et al.(US 6,751,687 B1, hereinafter Sato).

Regarding **claim 1**, Aoki discloses at the level of the device desiring to be monitored : emission by the device being monitored of data packets on a specified isochronous channel in response to the signal emitted regularly by the network(figure 1, ¶[0053], ¶[0178], where the channel number specifies the channel, ¶[0075], where the where the device desiring to be monitored is node A,¶[0178]) and monitoring request containing an identifier of the isochronous channel (¶[0088], wherein the monitoring request is the signal which includes the channel number is included ¶[0065]0¶[0066]); at the level of the second device : reception of data packets on a specified isochronous channel (¶[0075], where node B is the second device that receives the packet,¶[0178]); execution of a specified task, consequent upon the absence of packets on the isochronous channel between at least two emissions of synchronization signals (figure 23, where the execution of a specified task is given in the setting of the error display; the error display is empty after emission of the two synchronization signals(fig.21, the at least two emissions are set out in the process of detecting since there are feedback). Aoki does not disclose a task descriptor specifying a task; reception by a second device of the emissions

of data packets on the isochronous channel; and triggering by the second device of the specified task. Sato discloses an identifier of the isochronous channel(figure 4, column 12, lines 35-45, wherein the broadcast channels) and a task descriptor specifying the task(figure 19, wherein opcode includes the task descriptor); and triggering by the second device of the specified task (column 24, lines 26-35, wherein the task is the output, column 22, lines 30-35). Thus , it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the switching function as disclosed by Sato along with the system of Aoki. The function as disclosed by Sato can be implemented into the system of Aoki through software implementation. The motivation for utilizing the function of Sato along with the system of Aoki is to provide transmission in the event of an error.

Regarding **claim 2,** Aoki discloses all subject of the claimed invention as set forth above in claim 1, with the exception of the second device executes the task thus specified by the first device. Sato discloses the second device executes the task thus specified by the first device (column 24, lines 26-35, wherein the task is the output, column 22, lines 30-35). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the switching function as disclosed by Sato along with the system of Aoki. The function as disclosed by Sato can be implemented into the system of Aoki through software implementation. The motivation for utilizing the function of Sato along with the system of Aoki is to provide transmission in the event of an error.

Regarding **claim 3,** Aoki discloses the monitoring request specifies a number of synchronization signals: The second device executing the specified task when no data

packet has been detected on the isochronous channel following the detection of the specified number of synchronization signals(figure 21).

Regarding **claim 4**, Aoki discloses emission by the second device of a handling signal following the reception of the monitoring request (figure 14, where the handling signal is the ACK following the control transaction request).

Regarding **claim 5**, Aoki discloses the specified task comprises the display of an alert message comprising an identifier of the first device(figure 24).

Regarding **claim 7**, Aoki discloses a means of receiving a and monitoring request containing an identifier of the isochronous channel (¶[0088], wherein the monitoring request is the signal which includes the channel number is included ¶[0065]0¶[0066]) on which the at least one other device whose state is being monitored emits data packets (figure 1, ¶[0053], ¶[0178], where the channel number specifies the channel, ¶[0075], where the where the device desiring to be monitored is node A,¶[0178])); at the level of the second device : reception of data packets on a specified isochronous channel (¶[0075], where node B is the second device that receives the packet,¶[0178]); receiving synchronization signals allowing the emission of isochronous packets on the identified isochronous channel of the network (figure 1, ¶[0053] wherein the cycle includes synchronization signals). Aoki does not disclose a task descriptor specifying a task; reception by a second device of the emissions of data packets on the isochronous channel; and triggering by the second device of the specified task. Sato discloses an identifier of the isochronous channel(figure 4, column 12, lines 35-45, wherein the broadcast channels) and a task descriptor specifying the task(figure 19, wherein opcode includes the task

descriptor); and triggering by the second device of the specified task (column 24, lines 26-35, wherein the task is the output, column 22, lines 30-35). Thus , it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the switching function as disclosed by Sato along with the system of Aoki. The function as disclosed by Sato can be implemented into the system of Aoki through software implementation. The motivation for utilizing the function of Sato along with the system of Aoki is to provide transmission in the event of an error.

Regarding **claim 8,** Aoki discloses all subject of the claimed invention as set forth above in claim 1, with the exception of the second device executes the task thus specified by the network device. Sato discloses the second device executes the task thus specified by the network device device (column 24, lines 26-35, wherein the task is the output, column 22, lines 30-35). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the switching function as disclosed by Sato along with the system of Aoki. The function as disclosed by Sato can be implemented into the system of Aoki through software implementation. The motivation for utilizing the function of Sato along with the system of Aoki is to provide transmission in the event of an error.

Regarding claim**10,** Aoki discloses a means for emitting a handling signal following the reception of a monitoring request (figure 14, where the target sends an ACK which is the handling signal to the controller).

Regarding **claim 11**, Aoki discloses a means for emitting a handling signal following the reception of a monitoring request(figure 14, where the handling signal is the ACK following the control transaction request).

6. Regarding **claim 12**, Aoki discloses a means for disabling the handling of a monitoring request, the means for disabling the handling og a monitoring request being activated when the reception means with the network senses a signal for handling the request by another device of the network.(¶[0151], where the bus reset includes disabling the monitoring request)

Claim Rejections - 35 USC § 103

1. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al.(US 2002/0047862 A1, hereinafter Aoki) and Sato et al.(US 6,751,687 B1, hereinafter Sato in view of Morita et al. (US 6,310,859 B1, Morita).

Regarding **claim 6,** Aoki discloses the specified task comprises a step of analysis for the stoppage of the emissions of data packets(figure 21). Aoki and Sato do not disclose a step of executing actions to resume the emission of data packets. Morita discloses a step of executing actions to resume the emission of data packets(column 12, lines 43-52, where the resource manager monitors and changes conditions to reestablish communications). Thus, it would have been obvious to one of ordinary skill in the art to utilize the system as disclosed by Aoki,Sato, and Morita. The resource manager as disclosed by Morita can be implemented into the node as disclosed by Aoki and Sato through software or hardware implementation. The motivation for utilizing the resource manager as disclosed by Morita in the system as disclosed by Aoki and Sato is to re-establish communication in the network.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al.(US 2002/0047862 A1, hereinafter Aoki) and Sato et al.(US 6,751,687 B1, hereinafter Sato) in view of Sugihara (US 6,249,322 B1, hereinafter Sugihara)

Regarding **claim 9,** Aoki discloses the network device as claimed in claim 8, wherein the monitoring request received specifies a predetermined number of synchronization signals and in, the specified task being executed when no packet has been detected on the isochronous channel(figure 21, figure 23). Aoki and Sato do not disclose a counter of synchronization signals or the detection of the specified number of

synchronization signals. Sugihara discloses a counter of synchronization signals and the detection of the specified number of synchronization signals (figure 2, column 10, lines 10-21). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the counter and detection of synchronization signals as disclosed by Sugihara along with the system as disclosed by Aoki and Sato. The system of Aoki and Sato can be implemented through software and hardware implementation to include detection of a predetermined amount of synchronization signals and a counter as disclosed by

Sugihara. The motivation for utilizing the counter and detection as disclosed by Sugihara along with the system of Aoki and Sato is to provide control for communications in the network.

Response to Arguments

5. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Regarding **claim 1,** applicant argues Aoki does not disclose a monitoring request containing a channel identifier. Examiner respectfully disagrees with the applicant. Aoki does disclose the detection of an error through a monitoring request (signal) that includes a channel number (¶[0065]-¶[0066],¶[0088]-¶[0089], wherein the header information is being monitored).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Nuber et al.(US 5,742,523).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGEL BROCKMAN whose telephone number is (571)270-5664. The examiner can normally be reached on Monday-Friday ,7:30-5:00pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANGEL BROCKMAN
Examiner
Art Unit 2416

/ANGEL BROCKMAN/
Examiner, Art Unit 2463

/Derrick W Ferris/

Supervisory Patent Examiner, Art Unit 2463